

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WILLIAM SALAMANCA, individually and  
on behalf of all others similarly situated,

Plaintiff,

- against -

“ABC CORPORATION,” name of the corporation  
being fictitious and unknown to Plaintiff, doing  
business as GREEN VALLE TREE SERVICE;  
WALTER VALLE; and SANDRO FLORES,  
as individuals,

Defendants.

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ROSLYNN R. MAUSKOPF, Chief United States District Judge.

**ORDER**  
19-CV-1335 (RRM) (SIL)

On October 30, 2019, Magistrate Judge Steven I. Locke issued a report and recommendation (the “R&R”), recommending that plaintiff William Salamanca’s “motion for default judgment be denied without prejudice, and with leave to renew upon curing the deficiencies” detailed in the R&R. (Doc. No. 14 at 12.) The R&R advised the parties that any objections to the R&R had to be filed within 14 days of receipt of the R&R. (*Id.*) It also directed Salamanca to serve a copy of the R&R on the defendants and to promptly file proof of service by ECF. (*Id.*)

The R&R was electronically served on plaintiff’s attorneys on October 30, 2019, but those attorneys never filed proof that the R&R was served on defendants. Accordingly, in an order dated January 21, 2020, the Court entered an order giving Salamanca 14 days in which to either file the proof of service required by the R&R or show cause in a writing why this action should not be dismissed for failure to prosecute.

Salamanca responded to the order to show cause in a letter dated January 29, 2020, which attached an affidavit of service establishing that the R&R was served on defendants on November 1, 2019. (Doc. No. 16.) However, neither Salamanca nor defendants have filed an objection to the R&R. Accordingly, it is

ORDERED that Magistrate Judge Locke's R&R is adopted in its entirety. Salamanca's motion for default judgment, (Doc. No. 9), is denied without prejudice, and with leave to renew upon curing the deficiencies detailed in the R&R. Salamanca shall promptly serve a copy of this Order on defendants and file proof of that service on the docket.

SO ORDERED.

Dated: Brooklyn, New York  
May 18, 2020

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
Chief United States District Judge